REMARKS

Receipt of the Office Action of October 9, 2007 is gratefully acknowledged.

The examiner has requested a Substitute Specification. A Substitute Specification is attached along with a Marked-Up Version, and a statement that it does not contain any new matter.

Claims 18 and 23-26 are rejected as indefinite under 35 USC 112, second paragraph. To overcome this rejection claims 18 and 23-26 have been amended. As amended, claims 18 and 23-26 are believed to be definite.

Claims 16-30 are rejected under 35 USC 102(e) as anticipated by Choe.

This rejection is respectfully traversed. Notwithstanding the Examiner's comments, applicants do not see at least two (2) of the positively recited steps of claim 16. Specifically, the evaluating and predicting steps are not really found in Choe. Without a clear showing relative to these steps, anticipation fails.

Respectfully submitted, BACON & THOMAS, PLLQ

Date: April 9, 2008

Felix J. D'Ambrosio
Attorney for Applicant

Registration Number 25,721

Customer Number *23364*
BACON & THOMAS, PLLC

625 Slaters Lane, Fourth Floor Alexandria, Virginia 22314 Telephone: (703) 683-0500

Facsimile: (703) 683-1080

S:\Producer\fjd\CLIENTS\Endress+Hauser Holding GmbH\WITT3004-CD0173\April 9 2008 Response.wpd